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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/981,653
Filing Date: October 18, 2001
Appellant(s): HOWINGTON, DAVID K.

Brian D. Ogonowsky
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/16/2008 appealing from the Office action

mailed 04/03/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: The Examiner rejected claims 24, 25, 30 and 31 under USC 103 as being obvious over Appellant's background of the Invention in view of Blad (US 2001/0048374) and further in view of Moore (US 7,084,737) and the article International Game Technology (Dialogue file 545:00850047).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,084,737   MOORE ET AL   08-2006

2001/0048374   BLAD   12-2001

Berko, T.M. International Game Technology - Company Report, Drexel Burnham

Lambert Inc. September 12, 1989 (Dialogue file 545:00850047).

Appellant's Background of the Invention.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 7, 9-23 and 26-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Applicant's Background of the Invention in view Blad (US

2001/0048374) and further in view of Moore (US 7,084,737).

As per claim 7, Applicant's Background of the Invention teaches:

A casino management method for tracking history of gaming machines and

casino locations using a computer system, comprising the steps of:

assigning a respective location identifier to each location within a casino (see Applicant's <u>background</u> page 2, paragraph 1); associating a respective machine placard, having a placard identifier, with each machine within the casino (see Applicant's <u>background</u> page 3, paragraph 2);

tracking a history of the correlation between location, placard as machines and placards are moved within the casino (see Applicant's <u>background</u> page 3, paragraph 2) but fails to teach that said tracking is done using a machine identifiers; associating a respective machine identifier with each machine within the casino; storing the location identifier, placard identifier, and machine identifier in a database and generating a report based on the tracked history in the database, the report organized according to any of the location identifier, the placard identifier, and the machine identifier, such that entering the location identifier into the database generates a report identifying machines that have been located at the location corresponding to the location identifier entering the placard identifier into the database generates a report identifying machines that have been associated with the placard identifier, and entering the machine identifier into the database generates a report identifying any machine that corresponds with the machine identifier. However, <u>Blad</u> teaches a system that monitors the performance of vending machines using said vending machines' unique identifiers, where said system allows users to access a webpage to track the performance of said vending machines and also generates reports from said tracking (see <u>Blad</u> paragraphs 40, 42 and 49). <u>Moore</u> teaches a system that determines the geographic location of vending machines using said vending machines' unique identifiers (see <u>Moore</u> col 7, lines 60-67; col 4,

lines 49-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that users would be motivated to use an unique machine identifier, instead of a placard identifier, to track the performance and location of vending machines, as said machine are moved frequently in a location, as taught by Blad and Moore in order to resolve the problem created when placards are replaced when vending machines are moved from one location to another location, as taught by Applicant's background. Users would be motivated to access a webpage (see Blad paragraph 48) in order to query and manipulate vending machine performance data and generate a report based upon said manipulation (see Blad paragraph 49).

As per claim 9, Applicant's Background of the Invention teaches:

The method according to claim 7, but fails to teach wherein the report simultaneously display historical data organized according to location identifier, placard identifier and machine identifier. However, the same rejection made in claim 7 regarding this missing limitation is also made in claim 9.

As per claim 10, Applicant's Background of the Invention teaches:

The method according to claim 7, further comprising the step of:

acquiring respective performance data associated with each machine within the casino (see Applicant's background page 2).

As per claim 11, Applicant's Background of the Invention teaches:

The method according to claim 10, further comprising the step of

determining and reporting a historical performance of different gaming machines at a particular location in the casino (see Applicant's background page 2).

As per claim 12, Applicant's <u>Background of the Invention</u> teaches:

The method according to claim 11, further comprising the steps of organizing locations within a casino into one or more zones and determining and reporting a historical performance of a particular zone within the casino (see Applicant's <u>background</u> page 2).

As per claim 13, Applicant's <u>Background of the Invention</u>:

The method according to claim 10, further comprising the step of

determining and reporting a historical performance of a particular gaming machine at different locations in the casino (see Applicant's <u>background</u> page 2).

As per claim 14, Applicant's <u>Background of the Invention</u>:

The method according to claim 10, further comprising the step of

determining and reporting a historical performance of different machines associated with a particular placard identifier (see Applicant's background page 3).

As per claim 15, Applicant's <u>Background of the Invention</u>:

The method according to claim 10, but fails to teach wherein performance data includes one or more of coin in, jackpot, win/loss, par% and act%. However, <u>Blad</u> teaches a system that monitors performance data such as coin in of gaming machines (see <u>Blad</u> paragraph 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the gaming machine tracking method taught by Applicant's <u>background</u> would monitor performance data as coin in, as taught by <u>Blad</u>, in order to track the performance of particular machines with respect to the location of said machines.

As per claim 16, Applicant's <u>Background of the Invention</u> teaches:

A casino management method, using a computer system and a database, that tracks history of a plurality of gaming machines and casino locations, comprising the steps of:

tracking a respective first history of each gaming machine in a casino, each said first history including changes in location of the machine within the casino and machine performance (see Applicant's background page 2). Applicant's <u>background</u> fails to teach tracking changes in machine configuration and tracking a respective second history of each location within a casino, each said second history including a type of game at the location, denomination of the game at the location, and information associated with the location, wherein tracking a respective history of each location comprises entering a location identifier into the database to generate a report identifying machines that have been located at the location corresponding to the location identifier and exchanging placards among the plurality of gaming machines while maintaining tracking of the first and second histories, said placards comprising a unique placard associated with each of the gaming machines. However, the same argument made in claim 7 in regard to this missing limitation is also made claim 16.

As per claim 17, Applicant's <u>Background of the Invention</u> teaches:

A casino management method, using a computer system and a database, for evaluating machine and location performances, comprising the steps of

evaluating a first performance of a first gaming machine at a first location (see Applicant's background pages 2-3; Applicant's background teaches the monitoring of particular machines);

evaluating a second performance of a second gaming machine at a second location (see Applicant's background pages 2-3). Applicant's background does not literally mentioned "a first performance of a first machine and a second performance of a second machine". However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the casino resort management system taught in Applicant's background of the invention would track the performance of a first or a second machine as said system already is tracking the performance of each particular machine in a casino.

after relocation of the first gaming machine to the second location, evaluating a third performance of the first gaming machine at the second location (see Applicant's background page 3); and

comparing the first performance and the third performance in order to generate comparative performance data for the first gaming machine according to location within a casino (see Applicant's background page 3).

Applicant's Background fails to teach entering a location identifier into the database to generate a report identifying machines that have been located at the location corresponding to the location identifier and their performance data. However, the same rejection made in claim 19 with respect to this missing limitation is also made in claim 17.

As per claim 18, Applicant's <u>background</u>:

The method according to claim 17, further comprising the steps of

associating a respective location identifier with each location within the casino (see Applicant's background page 2);

associating a respective placard identifier with each gaming machine within the casino (see Applicant's <u>background</u> page 3); and

using the location identifiers and the placard identifiers associated with the first and second gaming machines and the first and second locations when tracking said first, second and third performances (see Applicant's <u>background</u> page 3). Applicant's <u>background</u> fails to teach using machine identifiers for said tracking. However, the same argument made in claim 7 with respect said missing limitation is also made in claim 18.

As per claim 19, Applicant's <u>background</u> teaches:

A casino management method, using a computer system and a database, for evaluating performance of different gaming

machines and locations within a casino, comprising the steps of:

associating a respective placard identifier with each of a plurality of gaming machines within the casino (see Applicant's <u>background</u> page 3).

tracking a relationship between a particular gaming machine and a particular location based on the location identifiers and the placard identifiers (see Applicant's <u>background</u> page 3).

placing a first gaming machine in a plurality of different locations within the casino (see Applicant's <u>background</u> page 3);

evaluating a respective performance of the first gaming machine at each of the plurality of different locations (see Applicant's background page 3); and

locating the first game machine in the casino based on the respective performances (see Applicant's background page 2).

Background fails to teach tracking using a respective machine identifier; associating a respective location identifier with each of a plurality of locations within the casino; such that entering a location identifier into the database generates a report identifying machines that have been located at the location corresponding to the location identifier. However, the same argument made in claim 7 regarding this missing limitation is also made in claim 19.

As per claims 20 and 26, Applicant's background teaches:

A casino management method, using a computer system and a database, for evaluating performance of different gaming
machines and locations within a casino, comprising the steps of

associating a respective location identifier with each of a plurality of locations within the casino (see Applicant's background page 2);

associating a respective placard identifier with each of a plurality of gaming machines within the casino tracking a relationship between a particular gaming machine and a particular location based on the location identifiers and the placard identifiers (see Applicant's background page 3).

tracking respective additional information about each of different gaming machines at a particular location (see Applicant's background page 3); and

generating a report providing a comparison of the respective additional information (see Applicant's background page 3).

Background fails to teach using a machine identifier and such that entering a location identifier into the database generates a report identifying machines that have been located at the location corresponding to the location identifier. However, the same rejection made in claim 19 with respect to this missing limitation is also made in claim 20.

As per claim 21, Applicant's background teaches:

The method according to claim 20, wherein the respective additional information relates to revisions of the different gaming machines (see Applicant's background page 3).

As per claims 22 and 28, Applicant's background fails to teach:

The method according to claim 21, wherein revisions include one or more of location movements, glass changes, software changes, peripheral additions and changes, location in/out of service changes, gaming machine in/out of service changes, maintenance changes, and alarm conditions. However, Moore teaches revising a vending machine location movement (see Moore col 7, lines 60-67). Therefore, the same argument made in claim 1 that Moore, Blad and Background teach Applicant's claimed invention is also made in claim 22.

As per claims 23 and 29, Applicant's background teaches:

The method according to claim 20, wherein the respective additional information relates to gaming machine characteristics and player characteristics (see Applicant's background page 2; "heavier traffic").

As per claim 27, Applicant's background teaches:

The method according to claim 26, teach wherein the respective additional information relates to revisions of the different gaming machines (see Applicant's background page 3).

Claims 24, 25, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Background of the Invention in view Blad (US 2001/0048374) and further in view of Moore (US 7,084,737) and the article International Game Technology (Dialogue File 545; Ref# 00850047).

As per claims 24 and 30, Applicant's background teaches:

The method according to claim 23, wherein:

gaming machine characteristics includes one or more of game type, game denomination, and game location (see Applicant's background page 3) but fails to teach that player characteristics includes one or more of group, age, sex, status and club level. However, the article International Game Technology (Dialogue File 545; Ref# 00850047) teaches a proprietary software that automates data collection in casinos including player characteristics (i.e. player's level of play; see paragraph 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Brad and Moore would use the system taught by International Game Technology to track players performance in particular machines and

would use said tracking to determine the performance of said machines. This feature would help casinos better manage their game machines for the purpose of maximizing profits from said machines.

As per claims 25 and 31, Applicant's background teaches:

The method according to claim 20, but fails to teach wherein the respective additional information relates to different patron playing performance in a predetermined time frame. However, the same argument made in claim 24 regarding said missing limitation is also made in claim 25.

(10) Response to Argument

The Appellant argues in page 9 of the Brief that neither Blad nor the Background of the Invention suggests that a location identifier may be used to identify all slot machines that have occupied that same location in a casino because according to the Appellant, Blad is unconcerned about the past physical location of the machine. The Examiner answers that the Appellant is arguing about limitation not stated in the claims because nowhere in Appellant's claims is recited a "slot machine".

The Applicant further in page 10 of the Brief that the "data" within the Blad database (at the central site 112) is the data automatically generated and transmitted by the coin operated machines, but according to the Appellant, not the current and past location of the machines, since the machines themselves do not know where they are. The Appellant further argues that nowhere it is suggested in Blad that current and past locations of the machines are stored in a database and can be easily accessed using the database to allow someone to just enter a location and see all the machines that

have occupied that same location so the respective performances of the machines can be compared to each other. The Examiner answers that the Office Action used the Moore reference to teach the "location identifier" limitation.

The Appellant argues in page 10 of the Brief that Blad and Moore cannot be combined because it would require that each of the Blad's machines include a GPS locator to transmit its current location to a database, where the database then keeps a permanent record of all the past and current locations of each machine while allowing the user to simply enter a location into the database to easily find all the machines that have occupied a certain location. The Examiner answers that Moore teaches that it is old and well known to add GPS location detecting devices to vending machine (see Moore col 4, lines 10-30) and to track and store vending machine geographic location data and product availability data in a central database for purpose of analysis (see Moore col 4, lines 47-65). Therefore, contrary to Appellant's argument, Moore teaches that adding GPS location device to each vending machines and keeping record of geographic location of said vending machines in a central database is old and well known.

The Appellant further argues that Blad saw no reason to include current location of a machine and Moore is only concerned, according to the Appellant, about the current locations of the vending machines and would not logically find all the vending machines that have occupied the same location, since that, according to the Appellant, would be irrelevant.

The Examiner answers that Appellant's claimed invention simply discloses storing a machine location identifier, a placard identifier, a machine identifier and a machine's performance data in a database and tracking within the database said stored information in order to generate reports organized by said identifiers and said performance data. Appellant's <u>background of the Invention</u> teaches that it is old and well known to have gaming machines performance tracking methods using placards attached to the machines (see Appellant's background). <u>Blad</u> teaches that it is old and well known to track vending machine performance data (i.e. "product stock status, machine paid out" see paragraph 40), time stamp said performance data (see paragraph 47) and store said time stamp performance data in a central database by vending machine unique machine identifier (see <u>Blad</u> paragraph 47). <u>Blad</u> also teaches allowing users to filter, structure queries, or otherwise manipulate the data present in said central database in order that said uses are able to view said data for either individual vending machines or for a plurality of vending machines (see <u>Blad</u> paragraphs 48-49). <u>Moore</u> teaches that it is old and well known to track the geographic location of vending machines and product stock status of said vending machines (i.e. "product availability data"; see <u>Moore</u> col 7, lines 5-20) and to store said tracking information in a central database by said vending machines unique machine identifiers (see <u>Moore</u> col 5, lines 65-67) in order to keep track of said vending machine movements when said vending machines are moved frequently (see <u>Moore</u> col 7, lines 50-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Blad</u> would add the <u>Moore</u>'s location detection

device to his vending machine performance system in order to track vending machines geographic locations and performance data (i.e. machine paid out, product stock availability") and it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Blad</u> would store said vending machine geographic location data and performance data, unique machine identifier data and time stamp data in a central database in order to allow users to filter, structure queries or otherwise manipulate said data by said identifiers and location data and therefore, allow said users to view said data for either individual vending machines or for a plurality of vending machines. Therefore, contrary to Appellant's argument, Applicant's <u>background of the Invention</u>, <u>Blad</u> and <u>Moore</u> teach Appellant's claimed invention.

The Appellant argues in pages 10-11 of the Brief that the combination of the <u>Background of the Invention</u> system and the <u>Blad</u> and <u>Moore</u> systems would only be concerned with the present locations of the machines and any database used by a modified <u>Blad</u>'s system would not enable the user, according to the Appellant, to easily identify all machines that have occupied the same location.

The Examiner answers that <u>Moore</u> teaches tracking the geographic location of a vending machine by using a unique machine identifier and storing said location and unique machine identifier in a central database (see <u>Moore</u> col 4, lines 5-65). Therefore, contrary to Appellant's argument, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Blad</u> would obtain a vending machine geographic location using the <u>Moore</u>'s system and would store said location data with performance data in a central database in order to allow users to run

queries within said central database based upon said location identifier, unique machine identifier, performance data and time data.

The Appellant argues in page 11 of the Brief that Moore invention is unrelated to slot machines since it is directed to telling the customer where the closest product can be found when the first vending machine is out of the product. Therefore, the Appellant argues, that the Examiner is using impermissible hindsight in identifying one aspect of Moore, out of context, and using it, according to the Appellant, to modify other prior art in an attempt to piece together Appellant's claims. The Examiner answers that the Appellant is arguing about limitation not stated in the claims. Nowhere, in Appellant's claims is recited anything about "slot machines". Furthermore, Blad teaches a system that tracks vending machines' performance data (i.e. product stock status, machine paid out"; see Blad paragraph 40), time stamp said tracking data (see Blad paragraph 47) and stores said performance data in a central database (see Blad paragraphs 38 and 47-48) allowing users to query and manipulate said data in said central database in order that said users view said data for individual or for a plurality of vending machines (see Blad paragraph 49). Moore teaches a system that tracks a vending machine geographic location and performance data (i.e. products availability changes; see Moore col 7, lines 15-20) and storing said location and performance data (i.e. product stock availability) in a central database (see Moore col 2, lines 10-50). Therefore, contrary to Appellant's argument, Blad and Moore are related as both prior art relates to tracking the performance of vending machines (i.e. "product stock status") and storing said performance data in a central database. Furthermore, contrary to Appellant's

argument, the Examiner is not using impermissible hindsight because <u>Blad</u> and <u>Moore</u> teach Appellant's claimed invention of tracking vending machine performance data and geographic location by using unique machine identifiers (see <u>Blad</u> paragraph 47; <u>Moore</u> col 4, lines 50-60 "machine identities") and storing said tracking information in a central database in order to allow users to manipulate and query said stored data in said central database .

The Appellant argues in page 11 of the Brief that it is not obvious to add the claimed feature to the casino tracking system since the claimed feature is related to identifying past performances of slot machines at old locations.

The Examiner answers that <u>Blad</u> teaches identifying past performance of vending machine as <u>Blad</u> time stamp the tracking of performance data (i.e. "product stock status and machine paid out"; see paragraph 40 and 47) and <u>Moore</u> teaches that it is old and well known to track vending machine geographic location data (See <u>Moore</u> col 4, lines 5-65) and product stock status availability (see <u>Moore</u> col 7, lines 17-20) an stores said tracking data in a central database in order to allow users to view said data for either individual vending machines or for a plurality of vending machines (see <u>Moore</u> col 4, lines 5-30). Therefore, contrary to Appellant's argument, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Blad</u> would obtain vending machine geographic location using the <u>Moore</u>'s location detection device system and would store said information including said vending machine performance data (i.e. "machine paid out,

product stock status") in a central database in order to allow users to access said

database and queries and manipulate said data in said central database and therefore,

contrary to Appellant's argument, <u>Blad</u> and <u>Moore</u> are combinable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/DANIEL LASTRA/
Art Unit 3688
June 9, 2008

Conferees:

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